

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ZIM AMERICAN INTEGRATED
SHIPPING SERVICES, INC.,

Plaintiff,

- against -

SUNBELT MACHINERY, INC.,

Defendant.

CIVIL COMPLAINT
IN ADMIRALTY



Plaintiff ZIM AMERICAN INTEGRATED SHIPPING SERVICES,

INC., by its attorneys, LAW OFFICES OF ALBERT J. AVALLONE &

ASSOCIATES, as and for its Complaint against defendant SUNBELT

MACHINERY, INC., in personam, in a cause of action civil and maritime, alleges
upon information and belief:

1. This is an admiralty and maritime claim within the meaning of Rule 9(h) of the Federal Rules of Civil Procedure, the Ocean Shipping Reform Act of 1999, 46 U.S.C., App. Section 1701, et seq., and Paragraph 24 of the Bill of Lading.

2. At all times hereinafter mentioned, plaintiff ZIM INTEGRATED SHIPPING SERVICES, INC. was and still is a corporation duly organized and existing under the laws of the State of Delaware with offices and a place of business at 5801 Lake Wright Drive, Norfolk, VA 23502.

3. Upon information and belief and at all times hereinafter mentioned, defendant had and now has the legal status and place of business as set forth in Schedule A.

4. On or about the dates and at the ports of shipment stated in Schedule A, certain goods were delivered to plaintiff to be carried to the ports of destination and at the agreed charges to be paid by defendant pursuant to plaintiff's public tariff.

5. Thereafter, the said goods were transported to the ports of destination and delivered to the consignee and/or its agents.

6. Plaintiff has duly performed all duties and obligations required to be performed by plaintiff.

7. Defendant has failed and refused and continues to fail and to refuse to remit the \$24,454.00 due, although duly demanded.

8. By reason of the foregoing, plaintiff has sustained damages in the amount of \$24,454.00 which, although duly demanded, have not been paid.

WHEREFORE, plaintiff prays:

1. For judgment in the amount of plaintiff's damages, together with interest thereon from the respective dates due, costs, disbursements, and a reasonable attorney's fee.

2. That process in due form of law according to the practice of this Court in cases of admiralty and maritime jurisdiction may issue against the defendant citing it to appear and answer all the singular matters aforesaid.

3. That plaintiff have such other and further relief in the premises as in law and justice it may be entitled to receive.

Dated: New York, New York
MAY 9, 2007

LAW OFFICES OF
ALBERT J. AVALLONE & ASSOCIATES

By


Albert J. Avallone - AA1679
Attorneys for Plaintiff
ZIM AMERICAN INTEGRATED
SHIPPING SERVICES, INC.
551 Fifth Avenue, Suite 1625
New York, NY 10176
(212) 696-1760

SCHEDULE A

I. Defendant's status & address:

A. Upon information and belief and at all times hereinafter mentioned, defendant SUNBELT MACHINERY, INC. was and still is a corporation organized and existing under the laws of the State of Georgia, with offices and a place of business at 4345 Granby Way, Marietta, GA 30062-8150, with an agent for service of process, Dudley D. Benson, President, at the corporate address.

II. Particulars:

1. Bill of Lading No. SSPHORF5758, dated October 2, 2006, from Savannah to Dubai on the Vessel CALIFORNIA, two (2) forty-foot FLATRACKS, three (3) forty-foot Hi-Cube Containers, four (4) forty-foot Open Top Containers, and one (1) twenty-foot Flat Rack SAID TO CONTAIN: MACHINERY, at the applicable tariff charge of \$19,816.00 (Exhibit A). Upon audit, this amount was increased to \$44,270.00 and as per Freight Corrector CROFF064877 (Exhibit B – 2 pages).

Amount Paid: \$19,718.00

Amount Due: \$24,454.00

III. Total Amount Due: \$24,454.00

As Agents for The Integrated Shipping Services Ltd.
As Agents

1982-1983, 1984-1985, 1986-1987, 1988-1989, 1990-1991, 1992-1993, 1994-1995, 1996-1997, 1998-1999, 2000-2001, 2002-2003, 2004-2005, 2006-2007, 2008-2009, 2010-2011, 2012-2013, 2014-2015, 2016-2017, 2018-2019, 2020-2021, 2022-2023, 2024-2025, 2026-2027, 2028-2029, 2030-2031, 2032-2033, 2034-2035, 2036-2037, 2038-2039, 2040-2041, 2042-2043, 2044-2045, 2046-2047, 2048-2049, 2050-2051, 2052-2053, 2054-2055, 2056-2057, 2058-2059, 2060-2061, 2062-2063, 2064-2065, 2066-2067, 2068-2069, 2070-2071, 2072-2073, 2074-2075, 2076-2077, 2078-2079, 2080-2081, 2082-2083, 2084-2085, 2086-2087, 2088-2089, 2090-2091, 2092-2093, 2094-2095, 2096-2097, 2098-2099, 2100-2101, 2102-2103, 2104-2105, 2106-2107, 2108-2109, 2110-2111, 2112-2113, 2114-2115, 2116-2117, 2118-2119, 2120-2121, 2122-2123, 2124-2125, 2126-2127, 2128-2129, 2130-2131, 2132-2133, 2134-2135, 2136-2137, 2138-2139, 2140-2141, 2142-2143, 2144-2145, 2146-2147, 2148-2149, 2150-2151, 2152-2153, 2154-2155, 2156-2157, 2158-2159, 2160-2161, 2162-2163, 2164-2165, 2166-2167, 2168-2169, 2170-2171, 2172-2173, 2174-2175, 2176-2177, 2178-2179, 2180-2181, 2182-2183, 2184-2185, 2186-2187, 2188-2189, 2190-2191, 2192-2193, 2194-2195, 2196-2197, 2198-2199, 2200-2201, 2202-2203, 2204-2205, 2206-2207, 2208-2209, 2210-2211, 2212-2213, 2214-2215, 2216-2217, 2218-2219, 2220-2221, 2222-2223, 2224-2225, 2226-2227, 2228-2229, 2230-2231, 2232-2233, 2234-2235, 2236-2237, 2238-2239, 2240-2241, 2242-2243, 2244-2245, 2246-2247, 2248-2249, 2250-2251, 2252-2253, 2254-2255, 2256-2257, 2258-2259, 2260-2261, 2262-2263, 2264-2265, 2266-2267, 2268-2269, 2270-2271, 2272-2273, 2274-2275, 2276-2277, 2278-2279, 2280-2281, 2282-2283, 2284-2285, 2286-2287, 2288-2289, 2290-2291, 2292-2293, 2294-2295, 2296-2297, 2298-2299, 2300-2301, 2302-2303, 2304-2305, 2306-2307, 2308-2309, 2310-2311, 2312-2313, 2314-2315, 2316-2317, 2318-2319, 2320-2321, 2322-2323, 2324-2325, 2326-2327, 2328-2329, 2330-2331, 2332-2333, 2334-2335, 2336-2337, 2338-2339, 2340-2341, 2342-2343, 2344-2345, 2346-2347, 2348-2349, 2350-2351, 2352-2353, 2354-2355, 2356-2357, 2358-2359, 2360-2361, 2362-2363, 2364-2365, 2366-2367, 2368-2369, 2370-2371, 2372-2373, 2374-2375, 2376-2377, 2378-2379, 2380-2381, 2382-2383, 2384-2385, 2386-2387, 2388-2389, 2390-2391, 2392-2393, 2394-2395, 2396-2397, 2398-2399, 2400-2401, 2402-2403, 2404-2405, 2406-2407, 2408-2409, 2410-2411, 2412-2413, 2414-2415, 2416-2417, 2418-2419, 2420-2421, 2422-2423, 2424-2425, 2426-2427, 2428-2429, 2430-2431, 2432-2433, 2434-2435, 2436-2437, 2438-2439, 2440-2441, 2442-2443, 2444-2445, 2446-2447, 2448-2449, 2450-2451, 2452-2453, 2454-2455, 2456-2457, 2458-2459, 2460-2461, 2462-2463, 2464-2465, 2466-2467, 2468-2469, 2470-2471, 2472-2473, 2474-2475, 2476-2477, 2478-2479, 2480-2481, 2482-2483, 2484-2485, 2486-2487, 2488-2489, 2490-2491, 2492-2493, 2494-2495, 2496-2497, 2498-2499, 2500-2501, 2502-2503, 2504-2505, 2506-2507, 2508-2509, 2510-2511, 2512-2513, 2514-2515, 2516-2517, 2518-2519, 2520-2521, 2522-2523, 2524-2525, 2526-2527, 2528-2529, 2530-2531, 2532-2533, 2534-2535, 2536-2537, 2538-2539, 2540-2541, 2542-2543, 2544-2545, 2546-2547, 2548-2549, 2550-2551, 2552-2553, 2554-2555, 2556-2557, 2558-2559, 2560-2561, 2562-2563, 2564-2565, 2566-2567, 2568-2569, 2570-2571, 2572-2573, 2574-2575, 2576-2577, 2578-2579, 2580-2581, 2582-2583, 2584-2585, 2586-2587, 2588-2589, 2590-2591, 2592-2593, 2594-2595, 2596-2597, 2598-2599, 2600-2601, 2602-2603, 2604-2605, 2606-2607, 2608-2609, 2610-2611, 2612-2613, 2614-2615, 2616-2617, 2618-2619, 2620-2621, 2622-2623, 2624-2625, 2626-2627, 2628-2629, 2630-2631, 2632-2633, 2634-2635, 2636-2637, 2638-2639, 2640-2641, 2642-2643, 2644-2645, 2646-2647, 2648-2649, 2650-2651, 2652-2653, 2654-2655, 2656-2657, 2658-2659, 2660-2661, 2662-2663, 2664-2665, 2666-2667, 2668-2669, 2670-2671, 2672-2673, 2674-2675, 2676-2677, 2678-2679, 2680-2681, 2682-2683, 2684-2685, 2686-2687, 2688-2689, 2690-2691, 2692-2693, 2694-2695, 2696-2697, 2698-2699, 2700-2701, 2702-2703, 2704-2705, 2706-2707, 2708-2709, 2710-2711, 2712-2713, 2714-2715, 2716-2717, 2718-2719, 2720-2721, 2722-2723, 2724-2725, 27

*** DESCRIPTIONS OF 70F,16/E USSAV ALDBILSSON SSPICR# 5/58 ***PAGE 1

2 CWT	X40' X CONTAINER	30570KG
	BOOKING# ORF139548	57396LB
	DIMS: 336"108"X132"(L.W.)	
	SLAG: MACHINERY	
3 CWT	X 40' F.I.F.C CONTAINERS	32112KG
	BOOKING# ORF137675	70794LB
4 CWT	40' T1 OPEN TOP CONTAINERS	69231KG
		152622LB
1 CWT	X 20' F.I.F.C FLAT RACK	8523KG
	BOOKING # ORF139549	18790LB
	DIMENSIONS 168 X 84 X 142	

STC MACHINERY - NON HAZ
 (ONE USED BOP S/N 1609
 AUTOMATIC PAINTING LINE
 CONSISTING OF SHOT
 BLASTING CABINET, PAINTING
 STATION, CURING OVEN AND
 RELATED CONVEYORAGE
 FA 8413190000 &
 FS 8417000000
 F3, GH, PREPAID
 ACS XIN: 681928300 - 161
 AFS ITN: X20060928007333

===== MANIFEST CORRECTION =====

NEW YORK 27-OCT-2006

CORRECTION NO. 2006164877

THE FOLLOWING CHANGES HAVE BEEN MADE IN THE MANIFEST OF THE S.S. L. CALIFORNIA VOT NO. 1678

FROM SAVANNAH TO OCEAN SAILED ON 10/02/2006

MANIFEST FOR EXPORT

MANIFEST SHIPMENT DATA

SAL NO. 2006085153

SHIPPER :
 CONSIGNEE :
 ORIGIN :
 DESTINATION :

SHIPPER :
 CONSIGNEE :
 ORIGIN :
 DESTINATION :

FREIGHT COLLECT

FREIGHT COLLECT

FREIGHT DL 19200.00

FREIGHT DL 19500.00

ORIGIN/PORT DL 600.00

ORIGIN/PORT DL 2050.00

INTERNATIONAL SHIP/PORT SEC DL 12.00

INTERNATIONAL SHIP/PORT SEC DL 60.00

INTERNATIONAL FUEL SURCHARGE DL 210.00

ORIGIN/PORT/TERMINAL SECURITY CHARGE DL 5.00

ORIGIN/PORT/TERMINAL SECURITY CHARGE DL 20.00

TOTAL FREIGHT DL 19816.00

TOTAL FREIGHT DL 4420.00

DATE : 5/9/06

SHIPPING NO. : 21280

SHIPPER REF :

PREPARED BY: DAVID WILSON

CEA: 2006 10/02/06

TO :
 REMARK :
 CUSTOMER COMPLETED ALL 4 BILLS
 THIS ONE - 2006 10/02/06

SETH SHIPPERS CO.

PER DAVID WILSON

EXHIBIT "6"

DETAILS	PER	AMOUNT	PREFILED	COLLECT

FREIGHT	UNIT	9800.00	19200.00	2
BUNKER/FUEL	UNIT	300.00	600.00	0
INTERNATIONAL	UNIT	6.00	12.00	0
ORIGIN	UNIT	2.00	4.00	0
FREIGHT	UNIT	1600.00	4200.00	0
PREFCARRIAGE	UNIT	400.00	1200.00	DL
BUNKER/FUEL	UNIT	300.00	900.00	DL
INTERNATIONAL	UNIT	6.00	8.00	DL
INTERMEDIAL	UNIT	60.00	120.00	DL
ORIGIN	UNIT	2.00	6.00	DL
FREIGHT	UNIT	3050.00	12200.00	DL
BUNKER/FUEL	UNIT	300.00	200.00	DL
INTERNATIONAL	UNIT	6.00	24.00	DL
ORIGIN	UNIT	2.00	8.00	DL
FREIGHT	UNIT	3300.00	3300.00	DL
PREFCARRIAGE	UNIT	400.00	400.00	DL
BUNKER/FUEL	UNIT	150.00	150.00	DL
INTERNATIONAL	UNIT	6.00	6.00	DL
INTERMEDIAL	UNIT	60.00	60.00	DL
ORIGIN	UNIT	2.00	2.00	DL

			US\$ 44270.00	